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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,807	09/24/2003	James L. Recker	14289	5445

7590
Sally J. Brown
AUTOLIV ASP, INC.
3350 Airport Road
Ogden, UT 84405

06/08/2006

EXAMINER

ROSENBERG, LAURA B

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 06/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/669,807	RECKER ET AL.	
	Examiner	Art Unit	
	Laura B. Rosenberg	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-18,21-34,36 and 37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-17,21-33,36 and 37 is/are rejected.
- 7) ☒ Claim(s) 4,18 and 34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 24 April 2006 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 36 and 37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the phrase "and is then secured in place" (claim 36) as it relates to the doubled back portion of the second panel is new matter because it was not originally disclosed in the specification.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 6, 8-17, 21, 23-33, 36, and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Sugiura et al. (5,362,101). Sugiura et al. disclose an inflatable “curtain” (for example, including #26) comprising:

- First panel (for example, one of the side cloths #26B, or one of the upper or lower portions of #26A) having a first pleat (pleats not labeled, but can be seen in figures 1, 2) formed by doubling a portion of the material of the first panel back upon itself twice such that there are two folds in the material of the first panel (best seen in figures 1, 2)
- When the inflatable “curtain” is inflated with inflation gas, the first pleat opens into a first bulge (for example, bulge as seen in figures 3, 4) prior to the curtain being completely filled with inflation gas, the first bulge changing the deployment trajectory of the curtain (best seen in figures 3, 4; column 4, line 55-column 5, line 6)
- Second panel (for example, other side cloth #26B, or other of the upper or lower portions of #26A) attached to the first panel (best seen in figures 1-4)
- First bulge is designed to interact with a portion of a vehicle interior (for example, instrument panel, windshield, other trim component)
- First panel attached to second panel via sewing (column 4, lines 9-13)

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- First pleat (for example, a pleat from the lower portion of #26A) opens downwards when the inflatable curtain is installed onto a vehicle interior (best seen in figure 1), and spans the length of, which includes a portion of, the first panel (folding occurs across the entire length of the "curtain")
- First pleat (for example, a pleat from the upper portion of #26A) opens upwards when the inflatable curtain is installed onto a vehicle interior (best seen in figure 1), and spans the length of, which includes a portion of, the first panel (folding occurs across the entire length of the "curtain")
- Second pleat (pleats not labeled, but can be seen in figures 1, 2) added to the second panel and constructed such that when the inflatable "curtain" inflates, the second pleat opens into a second bulge (for example, bulge as seen in figures 3, 4) prior to the curtain being completely filled with inflation gas
- Second bulge changes the deployment trajectory of the "curtain" (best seen in figures 3, 4; column 4, line 55-column 5, line 6)
- Second pleat formed by folding the second panel (best seen in figures 1, 2)
- Second pleat formed by doubling a portion of the material of the second panel back upon itself twice such that there are two folds in the material of the first panel (best seen in figures 1, 2)
- Second bulge designed to interact with a portion of a vehicle interior (for example, instrument panel, windshield, other trim component)
- Second pleat span the length of, which includes a portion of, the second panel (folding occurs across the entire length of the "curtain")

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- First pleat is aligned with second pleat (for example, some of first and second pleats are aligned with each other if a line were to be drawn from one to the other in figures 1, 2)
- First pleat is offset from second pleat (for example, offset from each other by remainder of "curtain" as seen in figures 1, 2)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiura et al. (5,362,101) in view of Bakhsh et al. (6,851,707). Sugiura et al. do not specifically disclose the first and second panels attached via adhesive bonding. Bakhsh et al. teach an inflatable "curtain" (including #14) comprising first and second panels (including #40, 42) attached to each other via weaving, stitching, dielectric sealing, ultrasonic bonding, heat sealing, or adhesives (column 3, line 63-column 4, line 3). It would have been obvious to one skilled in the art at the time that the invention was made to modify the attachment of the first and second panels of Sugiura et al. such that it comprised adhesive bonding as claimed in view of the teachings of Bakhsh et al. so as to most effectively seal the panels together to prevent loss of inflation gas as the

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"curtain" is inflating, the different methods of attachment taught by Bakhsh et al. being old and well known in the art.

Allowable Subject Matter

8. Claims 4, 18, and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lindstrom, Ito et al., Specht et al., Halford et al., Cooper et al., and Hawthorn et al. disclose inflatable airbags with multiple panels and pleats.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B. Rosenberg whose telephone number is (571) 272-6674. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Laura B Rosenberg
Patent Examiner
Art Unit 3616

LBR


PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600